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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,077	12/31/2003	Alan J. Solyntjes	58504US002	2080
32692 7590 11/19/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER ALI, SHUMAYA B	
			ART UNIT 3771	PAPER NUMBER
			NOTIFICATION DATE 11/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/750,077	Applicant(s) SOLYNTJES ET AL.	
	Examiner Shumaya B. Ali	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the office action mailed on 6/6/07, Applicant has amended claims 1,3,14,16, and 18. Currently, claims 1-27 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-8,17,20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns et al US 5,062,421.

As to claims 1,4, and 22 Burns in figures 1-5 discloses a personal respiratory protection device that comprises: (a) a mask body (12) that is adapted to fit at least over a person's nose and mouth; (b) at least one fluid communication component (aperture that is being occluded by filter 28 in fig.1) located in fluid communication with the mask body so that a non-contaminated source of oxygen can be supplied to a wearer of the personal respiratory protection device; (c) at least one non-contaminated breathing gas supply source component (28); and (d) at least one bayonet attachment system (26,27,29,36, and 37) that enables the breathing gas supply source component to be fluidically communicatively secured to the fluid communication component, the bayonet attachment system comprising a first portion (26,27) and a second portion (36,37). Burns in column 3, lines 25-30, and column 5, lines 23-25 discloses the filter connection to the

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mask is permanent, therefore, when the first portion is attached to the second portion a permanent connection would be created as shown in figures 4 and 5 that is incapable of being inadvertently separated.

As to claim 2, Burns discloses a respiratory mask (12) that has at least one filter cartridge (28 is a filter cartridge, see col.4, lines 61 and 62) as the at least one non-contaminated breathing gas supply source component.

As to claim 3, Burns discloses the first portion of the bayonet attachment system comprises a first tab receptacle (26), a first ramp portion (fig.3, shows 26 having a ramp portion), and a first tab void area (27), and wherein the second portion comprises a first tab (29) extending therefrom. Figure 4 shows that the first tab having a size no greater than the first tab void area and no greater than the first tab receptacle; when the first portion is attached to the second portion to cause the first tab to seat within the first tab receptacle. Burns in column 3, lines 25-30, and column 5, lines 23-25 discloses when the first and second portion engages (as shown in figure 4), a connection is made that is permanent, therefore, when the first portion is attached to the second portion a permanent connection would be created that is incapable of being inadvertently separated.

As to claim 6, Burns discloses a third part (29). Since the part/portions are permanently connected (see col.3, lines 25-30) and third part (29) is a locking tab (see col.4, line 60), it would inherently require breaking or unlocking either one of the portions or part or combination thereof to disengage parts/portions from each other.

As to claims 7 and 8, Burns discloses a locking device (29) that is integral/integrated into the second portion.

As to claim 17, Burns discloses the first portion has an aperture there through, and (b) the second portion comprises a body having an aperture therethrough, the body configured for attachment to the first portion such that the first portion aperture aligns with the body aperture (see figures 1-4).

As to claim 20, Burns in figures 1-5 discloses a personal respiratory protection device that has a bayonet attachment system (27,28,29,36, and 37), the bayonet attachment system comprising a first portion (27,28) and a second portion (36,37,29), wherein: (a) the first portion comprises a tab receptacle (fig.3, 26) and a tab void area (fig.3, 27); and (b) the second portion comprises a tab (fig.4, 29) extending therefrom. Figure 4 shows that the tab having a size no greater than the tab void area and no greater than the tab receptacle and wherein when the first portion is attached to the second portion to cause the tab to seat within the tab receptacle. Burns in column 3, lines 25-30, and column 5, lines 23-25 discloses when the first and second portion engages (as shown in figure 4), a connection is made that is permanent, therefore, when the first portion is attached to the second portion a permanent connection would be created that is incapable of being inadvertently separated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5,10-13,21, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burans et al. US 5,062,421.

As to claims 5,9, and 21, Burns lacks connection can be separated though use of a key. Since the connection is permanent/locked using a locking tab 29, to unlock the connection, it would have been obvious to one of ordinary skill in the art to use a key to unlock a device using a key.

As to claims 10-13, limitations "power purifying respirator", "self contained breathing apparatus", "full face mask", and "a supplied air hood" are considered alternative forms of interfaces known to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skills in the art to consider the respiratory mask of Burns as an equivalent interface. Additionally, Applicant has not established why a specific type of respirator is critical to the invention in terms of proving a specific function and/or solving a stated problem. Therefore, it would have been obvious to one or ordinary skills in the art to substitute one respiratory protection device with another equivalent interface as a matter of design choice.

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As to claims 23-27, Burns lacks the detailed method steps cited for claims 23-24, however teaches structures required (see rejection cited for claims 1-13,17, and 20-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain the claimed method step while using the respiratory protection device of Burns.

Allowable Subject Matter

Claims 14-16,18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Regarding "inadvertently separated", bayonet type connections known in the art are inherently incapable of being inadvertently separated (see Cambell US 5,836,907, col.4, lines 7-13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brogden (3,249,370), Stephens (5,404,614), Parrish (4,392,513), Perlman


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(4,448,479), Morton (3,035,573), Kinzler (4,888,970), and Nickels (5,347,673) pertain to bayonet connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-W-F 8:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shumaya B. Ali
Examiner
Art Unit 3771
11/12/07


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11/13/07